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**Attorneys for Defendant
United States of America**

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DONNA DELOISE MOORE, } CASE NO. CV 10-2193 SC
Plaintiff, }
vs. } STIPULATION AND ~~PROPOSED~~
THE UNITED STATES OF AMERICA, } ORDER CONTINUING
in personam, CAPE HORN, its engines, } SETTLEMENT CONFERENCE
tackle, apparel, furniture, etc., *in rem* }

DONNA DELOISE MOORE (“Plaintiff”) and THE UNITED STATES OF

1 AMERICA ("Defendant") jointly submit this Stipulation and Proposed Order
2 Continuing Settlement Conference as follows:

3 WHEREAS Judge Conti has assigned this matter to this department for a
4 settlement conference and the Court has set this matter for a settlement conference on
5 November 24, 2010; and

6 WHEREAS Plaintiff has recently filed a second action against the United States
7 for injuries allegedly suffered (aboard a different U.S. owned ship) after being released
8 to return to sea following the alleged accident of December 30, 2008 aboard the SS
9 CAPE HORN (DONNA MOORE v. THE UNITED STATES OF AMERICA,CASE
10 NO. C 10-04621SC); and

11 WHEREAS Plaintiff is seeking a medical evaluation to determine whether the
12 injuries complained of in the second action are related to the accident of December 30,
13 2008; and

14 WHEREAS Judge Conti has Ordered that the cases are related as defined by
15 Civil L.R. 7-11(See Docket No. 12) and the parties are to appear before Judge Conti
16 for a case management conference on January 7, 2011, and anticipate discussing the
17 possible consolidation of the two cases; and

18 WHEREAS the parties do not believe that a settlement conference would be
19 productive until such time as the above medical evaluation and consultation with
20 Judge Conti at the January 7, 2011 case management conference are completed; and

21 WHEREAS the mother in law of counsel for the United States has recently
22 passed away and he wishes to attend her memorial service which is scheduled to take
23 place in New England on November 23, 2010, the day before the now scheduled
24 settlement confer;

25 The parties HEREBY STIPULATE and request that the court order that the
26 current settlement conference set for November 24, 2010 be taken off calendar, and
27 that the matter be reset following the January 7, 2011 case management conference
28 and further consultation with Judge Conti.

Stipulation and Proposed Order Continuing Settlement Conference
Case No. CV10-2193 SC

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2 DATED: November 17, 2010

BRODSKY MICKLOW BULL & WEISS LLP

3
4 By: /S/ Edward M. Bull III
Edward M. Bull III

5 Attorneys for Plaintiff
6 Donna Deloise Moore

7
8 DATED: November 17, 2010

U.S. Department of Justice
Torts Branch, Civil Division

9
10 By: /S/ R. Scott Blaze
R. Michael Underhill
R. Scott Blaze

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12 Attorneys for Defendant
13 United States of America

14 [PROPOSED]

15 ORDER

16 Having considered the stipulation of counsel, and good cause appearing in
17 support of their request, IT IS HEREBY ORDERED THAT the settlement conference
18 set in this Department on November 24, 2010 is hereby off calendar, and that the
19 Court will set a new settlement conference date following the January 7, 2011 case
20 management conference. *Sett Conf continued to March*
21 *22, 2011 at 9 am*

22 DATED: 17 Nov



23 HON. BERNARD ZIMMERMAN
24 U.S. MAGISTRATE JUDGE
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